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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

03/05/2010

Robert W. Holland
HAMILTON & TERRILE, LLP
PO Box 203518
Austin, TX 78720

EXAMINER

ZINATI, AMAL S

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 03/05/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,775	02/09/2004	Ezra U. Pagel	ALI04001	3235
TITLE OF INVENTION: SYSTEM AND METHOD FOR UPDATING CONTACT RECORDS				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	06/07/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

03/05/2010

Robert W. Holland
 HAMILTON & TERRILE, LLP
 PO Box 203518
 Austin, TX 78720

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	YES	\$755	\$300	\$0	\$1055	06/07/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
ZENATI, AMAL S	2614	379-265020

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, _____ 1
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. _____ 2
 _____ 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

Typed or printed name _____

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Austin, TX 78720

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1124 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1124 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/776,775

Examiner

AMAL ZENATI

Applicant(s)

PAGEL ET AL.

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief Filed on 12/14/2009.
2. ☒ The allowed claim(s) is/are 1-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

This office action is in response to applicant's Appeal Brief filed December 12, 2009.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert W. Holland, Reg. No. 40,020 on February 24, 2010. The applicant representative, Robert W. Holland agreed to the following changes without prejudice (see the attached fax document was received from Robert W. Holland for confirming the following examiner's amendment).

The amendment to claim 1 as the following:

Claim 1. A system for coordinating the real time updating of contact records associated with one or more contact devices, the contact devices performing a campaign of outbound contact attempts with the contact records, the system comprising: a contact record database operable to communicate contact records with the one or more contact devices during the campaign, each contact record associating one or more contact individuals, one or more contact numbers and one or more contact results; a contact update engine interfaced with the contact

record database and operable to identify one or more contact records for update of the associated contact numbers based on one or more update factors; an update resource interface operable to obtain updated contact numbers for the identified contact records from one or more selected update resources; and an update validation engine operable to validate updated contact records and communicate the validated contact records to the contact record database for appropriate action by the contact devices during the campaign.

The amendment to claim 8 as the following:

Claim 8. A method for coordinating the real time updating of contact records, the method comprising: performing contact attempts with one or more contact devices using plural contact records, each contact record having contact information; identifying contact records having contact attempts with a result of no contact; selecting based on one or more update factors one or more of the identified contact records for updating of associated contact information; obtaining updated contact information for the selected contact records from ~~an~~ selected update resource; and re-attempting contact by a contact device with the updated contact information.

The amendment to claim 15 as the following:

Claim 15. A system for contacting individuals, the system comprising: plural dialers, each dialer operable to dial outbound telephone calls to individuals, each individual having one or more associated contact records with one or more numbers for a dialer to dial; a contact record database interfaced with the dialers and operable to provide the dialers with contact records to

dial, the contact record database further operable to receive results of contact attempts by the dialers to the numbers of the contact records; a contact update engine interfaced with the contact record database and operable to select contact records to update associated contact numbers based on update factors; and an update resource interface operable to obtain **the real time updating** updates for the selected contact records from **selected** one or more update resources, the update resource interface communicating the updates to the contact record database for use by the dialers.

Allowable Subject Matter

1. Claims 1 - 23 are allowed.

Reasons for Allowance

The following is an examiner's statement of reason for allowance:

The prior art specifically Svoronos et al (Patent No.: US 5,802,161 B1), and Grossman et al (Patent No.: US 5,889,799) failed to render obviousness in combination or individually, and failed to anticipate individually the following limitations:

"A system for coordinating the real time updating of contact records associated with one or more contact devices, the contact devices performing a campaign of outbound contact attempts with the contact records, the system comprising: a contact record database

operable to communicate contact records with the one or more contact devices during the campaign, each contact record associating one or more contact individuals, one or more contact numbers and one or more contact results; a contact update engine interfaced with the contact record database and operable to identify one or more contact records for update of the associated contact numbers based on one or more update factors; an update resource interface operable to obtain updated contact numbers for the identified contact records from one or more selected update resources; and an update validation engine operable to validate updated contact records and communicate the validated contact records to the contact record database for appropriate action by the contact devices during the campaign." as disclosed in independent claim 1.

Independent claims 8 and 15 have similar limitation as claim 1.

A technical advantage of claim 1 is that a skip trace update process automatically integrates contact information updates with a distribution module 102 to allow real time updates to contact information in support of a contact campaign; in addition, coordinating updates through the distribution module 102 reduces expenses from repetitive updates and allows selection of update resources to reduce costs and enhance update accuracy (original specification: page 13, lines 23-31; page 14, lines 1-8; fig. 7 and fig. 8). Moreover, update resource interface 404 selectively communicates to desired update resources through outside network 408; therefore, update cost and source information is tracked. As a result, resource interface 404 communicates with selected update resources such as a directory assistance via secure HTTP messages in order to allow real time updates to contact information in support of a

contact campaign (original specification: page 55, lines 17-25; and page 57, lines 15-31; and fig. 7).

In addition, see applicant's Appeal Brief, filed 06/05/2009, pages 3-4. The applicant's Appeal Brief page 4 discloses the following: "Grossman is a lengthy patent that uses contact history to predict when to call a number and updates an account record based on the results of the call. The "flagged for updating" indicates an update of an account record based on the result of the call and a contact database to use in predicting when to call accounts. Nothing in Grossman indicates that the "flagged for updating" results in an update of updated contact numbers as recited by Claims 1." **Moreover**, The applicant's Appeal Brief page 5 discloses the following "Svoronos and Grossman cannot make obvious Claim 8 because Svoronos and Grossman fail to teach, disclose or suggest "identifying contact records having contact attempts with a result of no contact" and "obtaining updated contact information for the selected contact records from an update resource". Nothing in Grossman indicates that contact records are identified with a result of no contact as is recited by Claim 8 so that updated contacted information is obtained from an update resource." For the above reasons, independent claims 1, 8, and 15 are allowed. Claims 2-7, 9-14, and 16-23, are depended of independent claims 1, 8, and 15; therefore, claims 2-7, 9-14, and 16-23, are allowed for their dependency from independent claims 1, 8, and 15.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571-270-1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571- 272- 7499. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614

/Amal Zenati/
Patent Examiner, Art Unit 2614

February 24, 2010